

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated January 7, 2005 (hereinafter the Office Action) indicated that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Office Action also indicated that claims 1-5, 12-17, 23-29 and 31-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Nabavi (GB 2325248A hereinafter Nabavi); claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nabavi in view of Fujiwara *et al.* (JP 09330283A hereinafter Fujiwara); claims 7, 11 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nabavi in view of Newlin (U.S. Patent No. 6,011,579); claims 9-10 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nabavi in view of Richard, III *et al.* (U.S. Patent No. 5,790,174 hereinafter Richard); and claims 18-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nabavi in view of Mun *et al.* (U.S. Patent No. 6,094,213 hereinafter Mun).

Applicant acknowledges the Examiner's indication of allowability of the subject matter in claim 8. New claim 37 has been added, and includes limitations from claim 8, intervening claim 7 (from which claim 8 depends) and independent claim 1 (from which claim 7 depends), indicated as allowable by the Examiner. In view of the Examiner's comments, Applicant understands that new claim 37 should be allowable.

As indicated above, all of the claim rejections in the Office Action rely upon the Nabavi reference, in the rejection of claims 1-5, 12-17, 23-29 and 31-35 under Section 102, and as the primary reference in all of the Section 103 rejections. Applicant respectfully traverses the rejections of all of the claims because the Office Action improperly characterized the teachings of the Nabavi reference. Specifically, the cited portions of the Nabavi reference do not correspond to the claimed limitations as asserted in the Office Action. The following discussion addresses this lack of correspondence as well as other improprieties in the rejections.

The Office Action generally cites FIG. 1 of the Nabavi reference, in which a central monitoring station 8 is coupled to an alarm controller 1 via a telephone line/ISDN connection 7. The alarm controller 1 is in turn coupled to a camera 6. A remote web terminal 9 can access the alarm controller 1, but the user at the remote web terminal “must access the controller 1 through a computer 10 at the central monitoring station 8.”

In view of the above discussion of Nabavi’s FIG. 1, the telephone line/ISDN system 7, its central monitoring station 8 and its camera 6 do not function as alleged on page 2 of the Office Action and do not correspond to the claimed limitations. For example, the central monitoring station 8 does not correspond to the claimed programmable surveillance system because it does not include a camera configured and arranged to capture images. As shown in Nabavi’s FIG. 1, the camera 6 is separate from the central monitoring station 8, connected via the telephone line/ISDN connection 7. In addition, the central monitoring station 8 is not configured and arranged to receive a request for image data from the telephone line/ISDN connection 7 (asserted in the Office Action to be the claimed “first communication system”).

As discussed in connection with the central monitoring station 8 above, the telephone line/ISDN system 7 does not correspond to the claimed “first communications system” (*e.g.*, as in claim 1) and is not adapted to deliver a request for image data that is received by the central monitoring station 8. Instead, the telephone line/ISDN connection 7 connects the central monitoring station 8 with the alarm controller 1, which is in turn connected to the camera 6 that collects image data; it is thus unclear as to how the telephone line/ISDN connection 7 would deliver a request for image data to the central monitoring station 8. Further, sending a request for image data to the central monitoring station 8 via the telephone line/ISDN connection 7 appears contrary to Nabavi’s purpose, with the camera 6 being coupled to the alarm controller 1 and remotely situated from the central monitoring station.

Applicant also submits that the central computer 10, asserted in the Office Action as the “first computer arrangement,” does not appear to process captured images as data in the context of the claimed limitations. The Office Action fails to cite any specific portion of the Nabavi reference that supports the assertion that the central computer 10 processes captured images as data. Furthermore, Applicant has reviewed the

specification of the Nabavi reference and cannot ascertain any such processing. It appears that the image data, captured by the camera 6 in the Nabavi reference, is processed at the controller 1. In this regard, it is unclear as to how the central computer 10 would process image data in accordance with the claimed invention, for example, where the “first computer arrangement” of claim 1 is part of a system that includes a camera.

In view of the above, the cited portions of the Nabavi reference fail to show subject matter that corresponds to all of the independent claims, including claims 1, 25 and 26, as well as new claim 37. In this regard, the Section 102 rejection of these independent claims and the claims that depend therefrom are improper and should be removed. Furthermore, all of the Section 103 rejections rely upon the Nabavi reference as a primary reference for the same teachings improperly asserted in connection with the Section 102 rejection as discussed above. These Section 103 rejections accordingly fail to show correspondence as is required for establishing a *prima facie* case of obviousness. Therefore, all of the Section 103 rejections are also improper and should be removed.

Notwithstanding the above, selected ones of the rejections of the dependent claims are addressed as follows.

Applicant respectfully traverses the Section 102 rejection of claims 12-13 on page 3 of the Office Action because the cited portion (page 4, lines 3-16) of the Nabavi reference does not show that the alleged “first and second communications systems” (telephone line/ISDN 7 and the Internet 11) are a single communications system. Furthermore, as discussed above, telephone line/ISDN 7 couples the central computer 10 with the alarm controller 1, which is in turn connected to the camera 6. Therefore, it is unclear as to how the central monitoring station 8 could include both the central computer 10 and the camera 6 because they are separated by the telephone line/ISDN 7, alleged as the “first communications system” of claim 1. In this regard, it is further unclear as to how the telephone line/ISDN 7 would be part of the Internet 11, which is alleged in the Office Action as the “second communications system” of claim 1. The Office Action has thus failed to show correspondence between the Nabavi reference and claims 12-13.

Applicant respectfully traverses the Section 102 rejections of claims 14 and 16-17 because the cited portion of the Nabavi reference modifies a different component of the

reference than asserted as corresponding to the claimed limitations, and is thus inapplicable to the claimed limitations. As discussed above, the Office Action asserts that the central monitoring station 8 is the claimed “programmable surveillance system.” However, the portions of the Nabavi reference cited as modifying the central monitoring station 8 instead apply to the alarm controller 1. For example, regarding claim 14, the portions of the Nabavi reference, asserted as teaching for a programmable surveillance system configured and arranged to gather and deliver image data, are directed to the alarm controller 1. In this regard, the discussion at page 5, lines 12-18 does not apply to the monitoring station 8 and thus does not correspond to the claimed limitations as asserted in the Office Action. Regarding claims 16-17, the discussion at lines 27-28 of page 7 similarly does not apply to the monitoring station 8, and instead applies to the alarm controller 1. In this regard, the rejections of these claims do not provide correspondence between the Nabavi reference and the claimed limitations.

Applicant further traverses all of the Section 103 rejections because the Office Action failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met, as indicated in the M.P.E.P. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In this instance, the Office Action failed to meet all of the criteria for establishing such a Section 103(a) rejection.

As discussed above, all of the Section 103 rejections rely upon the Office Action’s improper interpretation of the Nabavi reference as applicable to the Section 102 rejections discussed above. The rejections of certain dependent claims further fail to teach or suggest all of the dependent claim limitations. For example, the rejection of claims 7, 11 and 36 on pages 5 and 6 of the Office Action suggest that the telephone line/PSTN 7, alleged as the claimed “first communications system,” be modified to include the video access apparatus 150 of the Newlin reference. However, because the telephone line/PSTN 7 connects the central monitoring station 8 with the alarm controller 1, it is unclear as to how a telephone with an audio menu of choices would function with

the Nabavi reference to arrive at the claimed invention, where a user would apparently be at the remote web terminal 9 and unable to use the audio menu. Therefore, all of the Section 103 rejections fail to cite references that teach or suggest all of the claimed limitations.

In addition, the Office Action failed to cite any evidence of motivation from the prior art for modifying the primary Nabavi reference. For example, on page 5 of the Office Action, the Examiner has alleged conclusive rationale for modifying the Nabavi reference without citing any support for that rationale. As another example, regarding the rejection of claims 18-22 on page 8 of the Office Action, the Examiner failed to cite any evidence of motivation for establishing videoconferencing with the video camera 6. Moreover, Applicant submits that one of skill in the art would not be motivated to add videoconferencing to the security monitoring system of the Nabavi reference, employing detection devices, *e.g.*, to detect unauthorized access and sound alarms in response thereto. Rationale such as the above, arrived at in hindsight of the claimed invention and without evidentiary support from the prior art, is improper and contrary to relevant case law.

Furthermore, the Office Action's interpretation of the Nabavi reference would undermine its purpose and is therefore improper. For instance, in connection with its camera 6 and monitoring station 8 being separated by the telephone line/ISDN 7, the modification of the Nabavi reference would appear to necessarily combine the camera 6 with the monitoring station 8, were the monitoring station 8 to be asserted as the "programmable surveillance system" of claim 1 (including a camera). This modification would appear to eliminate the purpose of the Nabavi reference that includes the telephone line/ISDN 7. Relevant case law indicates that, where a proposed modification of a reference would undermine that reference's purpose, here of including the telephone line/ISDN 7, that modification is improper.

Applicant also submits that the proposed modification of the primary Nabavi reference would be unlikely to succeed, for reasons including those discussed in the preceding paragraph.

Applicant further traverses all of the claim rejections because the rejections rely upon broad allusions to the specification of the Nabavi reference without identifying

specific discussion that corresponds to the claimed invention. For example, the Section 102 rejection of claim 1 cites the entire portion of Nabavi's specification (pages 3-8) that is relative to the figures without showing specific teachings that allegedly correspond to the claimed invention. The rejection of independent claims 25 and 26 rely upon the rejection of claim 1 as indicated on page 4 of the Office Action and thus are subject to the same citation made in connection with the rejection of claim 1. In this regard, the Office Action failed to adequately apprise the Applicant of the nature of the rejection of the independent claims in a manner that would facilitate the Applicant's ability to judge the propriety of the rejection and of continuing prosecution of the claims, as is consistent with 35 U.S.C. §132 and the M.P.E.P. Applicant therefore submits that all claim rejections, which rely upon the rejection of independent claims 1, 25 and 26, are improper and should be removed.

Please charge Deposit Account number 50-0996 (8X8S.244PA) in the amount of \$250 for new independent claim 37 and for any credits/deficiencies, if necessary.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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